

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

DECEMBER 1997 SESSION

FILED

January 9, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 Appellee,)
)
 VS.)
)
 HERMAN MONTRELL MARTIN,)
)
 Appellant.)

NO. 02C01-9701-CC-00048

MADISON COUNTY

HON. FRANKLIN MURCHISON,
JUDGE

(Probation Revocation)

FOR THE APPELLANT:

GEORGE MARTIN GOOGE
District Public Defender

DANIEL J. TAYLOR
Assistant Public Defender
227 W. Baltimore Street
Jackson, TN 38301-6137

FOR THE APPELLEE:

JOHN KNOX WALKUP
Attorney General and Reporter

CLINTON J. MORGAN
Assistant Attorney General
Cordell Hull Bldg. - 2nd Floor
425 Fifth Avenue North
Nashville, TN 37243-0493

JAMES G. WOODALL
District Attorney General

LAWRENCE E. NICOLA
Assistant District Attorney General
225 Martin Luther King Dr.
P. O. Box 2825
Jackson, TN 38302-2825

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

JOE G. RILEY,
JUDGE

ORDER

Herman Montrell Martin, the defendant, appeals the revocation of his probation by the Madison County Circuit Court. The sole issue presented for our review is whether the trial court erred in revoking probation. We AFFIRM the judgment of the trial court pursuant to Rule 20 of the Tennessee Court of Criminal Appeals.

On June 3, 1994, defendant received an eight-year sentence in the community corrections program for the offense of possession of cocaine over 0.5 grams with intent to sell. On September 12, 1995, his participation in the community corrections program was revoked, and he was ordered to serve his sentence in the Tennessee Department of Correction. He was released from the Tennessee Department of Correction on or about January 31, 1996, after he completed the boot camp program.

Defendant met with his probation officer for the first and only time on February 12, 1996. In March 1996, he was arrested on other charges. Defendant did not report these arrests to his probation officer. In short, he did nothing he was required to do while on probation. At his revocation hearing he explained that he was scared to meet with the probation officer because he was afraid he would be arrested on a warrant.

In revoking probation the trial court noted that the defendant had “flunked out twice.” The trial court was certainly within its discretion to revoke probation in view of the defendant’s history.

After thoroughly reviewing the record, the briefs, and the law governing the issue presented by the defendant, we conclude that the trial court did not err by revoking defendant’s probation. Accordingly, pursuant to Rule 20 of the Tennessee Court of Criminal Appeals, we AFFIRM the judgment of the trial court.

JOE G. RILEY, JUDGE

CONCUR:

JERRY L. SMITH, JUDGE

CURWOOD WITT, JUDGE